

REMARKS

Applicants respectfully request favorable reconsideration of this application.

Applicants reiterate their previous request for a formal acknowledgement of the claim of foreign priority and receipt of the certified copy of the priority document. The certified copy was filed on March 11, 2004.

The Examiner's indication of allowable subject matter in certain claims is acknowledged with appreciation. Those claims have been retained in dependent form in view of the allowability of their respective base claims as discussed below.

Each of the Applicants' independent claims (Claims 1, 10, 20, and 29) stands rejected under 35 U.S.C. § 103 as being unpatentable over Eitan (6,011,725) in view of Fan et al. (6,834,013), and further in view of Taira et al. (6,410,412). The rejection is respectfully traversed.

The rejection relies upon Eitan with respect to the claimed use of silicon nitride dots. In particular, the rejection contends that Eitan teaches "silicon nitride dots charge trapping layer 54." Office Action, page 2. Applicants respectfully observe that this contention is erroneous. Referring to column 12, second paragraph, of

the reference, Eitan discloses that layer 54 is a silicon dioxide layer with buried polysilicon islands 57. The reference neither teaches nor suggests the use of silicon nitride dots in accordance with Applicants' claimed invention. Nor do the secondary and tertiary references to Fan et al. and Taira et al., respectively.

Accordingly, the outstanding rejection under § 103 is untenable and should be withdrawn.

It is respectfully urged that this application be promptly passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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